

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,	:	Case No. 3:12-cr-116
	:	
Plaintiff,	:	Judge Thomas M. Rose
	:	
- VS -	:	
	:	
JAMEEL TABOR,	:	
	:	
Defendant.	:	

**ENTRY AND ORDER OVERRULING OBJECTIONS (DOC. 376), ADOPTING
REPORT AND RECOMMENDATIONS (DOC. 375) AND DISMISSING WITH
PREJUDICE MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR
CORRECT SENTENCE BY PERSON IN FEDERAL CUSTODY (DOC. 374)**

This case is before the Court on the Report and Recommendations (Doc. 375) on Defendant Jameel Tabor's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by Person in Federal Custody (the "Motion") (Doc. 374). In the Report and Recommendations, Magistrate Judge Michael R. Merz concluded, on initial review pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings, that Tabor's Motion is barred by the statute of limitations and should be dismissed with prejudice. Tabor filed Objections (Doc. 376) to the Report and Recommendations (Doc. 375) and this matter is now ripe for review.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case. Upon said review, the Court finds that the Objections (Doc. 376) are not well-taken and are hereby **OVERRULED**. The Court adopts the Report and Recommendations (Doc. 375) in their entirety and rules as follows:

1. The Motion (Doc. 374) is **DISMISSED WITH PREJUDICE**;
2. As reasonable jurists would not disagree with this conclusion, Tabor is **DENIED** a certificate of appealability; and
3. The Court **CERTIFIES** to the Sixth Circuit that any appeal would be

objectively frivolous and therefore should not be permitted to proceed *in forma pauperis*.

DONE and **ORDERED** in Dayton, Ohio, this Wednesday, December 14, 2016.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE